

A  
SHORT BUT  
FULL DISCOURSE  
Of the POWER of  
PARLIAMENTS:

AND  
How far their intrusted power may extend.

.. AS ALSO  
The great Interests of the KING therein,  
acknowledged heretofore in all Ages.

SENT  
From the ARMY to a worthy Friend in  
*London*, and writen there by a learned Divine,  
who upon some high Employments hath been  
conversant late amongst them.

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A short discourse of the power of Parliaments written in a letter from the Army to his noble friend in London, by a well-willer to Parliaments.

**I**T is not with me, (noble Sir) as with many in these times, who onely study to make a wicked thing seem good, by cloathing it in a garb of the newest fashion, and strive to cover a false heart with an eloquent (though flattering) tongue; but all I shall endeavour in this discourse, is to set forth truth in sincerity, even in its naturall colours, and not cloath it with a painted eloquence; onely that it may not be known. To come to purpose, I must intreat your patience, while I present to your view a rough drawn Map, discovering the jurisdiction of the high Court of Parliament.

But first I shall doe my endeavour to satisfie them that hold the House of Lords to be only interested; so that the House of Commons may be thought to make an in-ride upon their priviledges: Let those know, that *anima est tota in toto & tota in qualibet parte*: and judicature is the soule of this great compacted body: the times were when both Houses sate in one place, and had one Speaker: And since the power of judicature must be founded upon a preparatory impeachment, and that must be framed by the Commons House, we may justifie them not guilty of extrajudiciall proceedings.

The Lords are under his Majesty the chiefe, but the Commons must be admitted for members; and the help of those doth much advantage the preservation of the whole compound. Having thus cleared this objection, and shewn that the Commons House hath a power of judicature, let us proceed to see how far it will extend. For the better effecting of it, I thinke it first necessary to give a description or definition of them, which in briebe is this.

The House of Commons is neither more nor lesse then the Representative body of the people elected and sent up by the severall Shires and Burroughes respectively, (and joyned with the other two estates) are of capacity to make, alter, and abrogate lawes as occasion shall require, to heare and relieve the grievances of the people, and to reform what is amisse in the Common wealth

In this description you may plainly see two bodies of the people, the Representative and Represented, which together make up the body of the Common-wealth: Of the latter, every free-born Englishman is a member. Now for any man to imagine, that the shadow is more worthy then the substance; the Representative then the Represented; or the House of Commons to be more valuable or considerable, then the body for whom they serve, is all one as if they should affirm, that an Agent or Embassadour from a Prince, hath the same or more authority then the Prince himselfe, which I presume no rationall man will allow. I assure you, that in this I goe not about to raise division between the people and their Agents: for they should be linked together by common interest, and mutuall respect of common preservation; yet thus much I cannot forbear to intimate, that the one is but a servant of the other: the Commons House to the people, as being elected by them to provide for their well-fare and freedoms against all in-bred tyranny, or forraigne invasion; which by reason of their number they cannot doe conveniently in their owne persons, without hazard both of confusion & desolation. Thieves and murderers taken *in flagrante delicto*, in the very act of a heinous crime, are not more hardly dealt withall; for the cause is declared before they are committed.

*Object.* Some may say, How shall we mend our selves since we have given our selves, lives and liberties, properties and all into the Parliaments power?

*Answer.* It is answered, that this free and abandoned course of ours, whereby they are intrusted with all that is deare unto us, ought rather to oblige them to a tender and conscientious care of the dispensation of that power: For the Sovereigne and Legislative power (now used) is not lent them for the ruine and destruction of our lawes and liberties, but for edification and strengthening of the same in particular: and the abuse and over-flowing

of this power is odious to God and man, as degenerating, and viper-like tearing out the bowels of them, who gave them power, onely to attain to some ambitious ends.

*Object.* Yes but some will say, the Parliament have a power above the Law, and so cannot exceed or over-flow.

*Answer.* I answer, they have no power but what they derive from others: Now no man can give that to another which himselfe hath not: for it is an old and most certain Maxime, *That quicquid efficit tale, est magis tale.* Now the King from whom they doe and ought to derive all the power they have, if it be above the Law, surely his is much more above the Law, though he acknowledges the contrary even now. For it is a sure Axiome, *that Dignitas materiati desumitur ex dignitate materie.* Besides, did ever any man see in this (or indeed in any other) Kingdome, a Parliament called without the Kings Writ and peculiar command, by the people or Kingdome they so much talk of? And being summoned by his Writ, they come to consult and give him counsell, not to controll or command him. Nay, their power is so farre from being above Law, that they have not power to make a law without the Kings consent. Nay further yet, without the Kings additional power they are like so many ciphers without a figure, which have no value, are of no force.

In the tenth yeare of *Rich.* the 2. a Parliament was called to sit at *Westminster*, which gave the King some discontent, inso-much that he went away from them, but he had not been long absent, when the Lords and Commons sent Commissioners to him, to desire him to return. For (said they) if your Majesty should absent your selfe 40. dayes, we should be forced *absque domigero regis*, to return to our own homes. *Hec! quantum mutatus ab illo?*

It is an excellent Maxime, and worth observation in these lawlesse times, *melius sub iniquissima lege, quam sub æquissimo arbitrio vivere.* It is better to live under a rigorous and unjust law, then an arbitrary government, though just; the reason is, because by the first he is at a certainty, and knowes what to trust to; the later leaves him uncertain in or to all things, but onely danger.

The *English Nation* is sensible of nothing more then the breach of their liberties, the violence offered to the freedome of their persons, and unjust and illegal impositions upon their estates, witness *Magna Charta* 30. times confirmed by the Princes of this Island,



Island. Let no man dream then that the Prince may trench boldly thereon without check: for such conceit doth but aggravate the offence. For whatsoever devoureth his own kind, we justly account unnatural; and heart-burning is easily kindled, when our own fellows begin to dominiere over us. *Firmissimum Imperium, quo obdientes gaudent*; that government under which the people rejoyce, and live cheerfully, is most safe and durable.

It is a sad case that a member of the body represented, a freeborn subject of life & conversation without just exception, should contrary to the tenor of *Magna Charta*, contrary to the *Petition of Right*, yea and *Scripture* it selfe, should be imprisoned without shewing cause (as many have been) by a Parliament professing reformation, professing defence of lawes and liberties, and without any urgent or apparent necessity of State enforcing it, it is a riddle to me beyond any thing this monstrous and degenerate age hath brought forth. Those Rulers and Rules of justice at first ordained for our comfort, preservation and liberty, are now perversly wrested to enslave, ruine and destroy. Surely, when after Ages shall ponder and discusse this proceeding in cold and sober blood, in a deliberate and ratioll consideration, they will be ashamed to own the actors for their Parents or predecessors; nay, it is to be feared, that the stones out of the now modest walls, will rise in judgment one day against the abusers of the trust committed to them. much dishonour will arise to the Parliament in the breach of the known law *Magna Charta*, which they say is but suspended not abrogated, that they provide for generations, and have not time to attend particular grievances. This may satisfie men of a shallow capacity, and small understanding, or such as suck profit under their commands. None but the mad would yeeld obedience to them that are regardless of their lawes and liberties, or negligent of the means of their subsistence, livelyhood and safety, the main ends for which they were convened, and not to provide Offices for themselves. *Omne imperium in consensu & assensu parentium fundatur*, all lawfull Empire, or Sovereigne command hath its basis or foundation in the consent, approbation & good liking of the people. Is any so absurd to expect good liking from those whodaily see themselves abused in their persons, liberties or estates, may almost ruined in all, hopeless of redresse or remedy, when no petition from few hands or many will be accepted, without great friends in the House, so that there wants but

but a good occasion to be tendered for the delivery of them from that condition under which they mourn and sigh. For men toucht to the quick in their liberties and means of living, do naturally incline to shake off all bonds of obedience, and to cast the blame of their sufferings upon the authors, as false to their trust, judging them incapable of the great weight of authority committed to them; and being stung with a lively sense of their lost freedoms and means of subsisting, will by some sudden attempt, endeavour the repairing thereof, the most ill that can happen, cannot reduce them to a worse condition then they are in.

I cannot but be very sensible that I have incurred the misfortune to fall under the misapprehensions of aivers, who out of the premises will conclude I goe about to alienate all men from the Parliament but knowing my owne integrity that I am altogether cleane from the guilt of such a thought, I passe by them as not worth the taking notice of, much lesse the answering and onely make the Apology for my selfe, as one lately did, I will as neere as I can remember, doe it in his own words.

I must confesse tis no way pleasing to mee to dispute the power either of a King or of a Parliament, but had I fortunes of mine owne, so farre as those would reach, I would not urge propriety against my Soveraignes commands, and no man ought to complaine of my grievance but my selfe: and if I were content to losse that which the Subjects liberty calls meum, I hope it is no prejudice to that it calls tuum. But when I look on the generall cause (as at this time) it is otherwise: therefore I hold every man bound to lay particular cases aside, and sacrifice his best indeavours, for a timely composure of these generall and unreasonable distractions, and the best way I could think on, is this, viz. Neither for private ends on the one side, to flatter the King, by giving him more power then the Law hath settled in him, nor for by-respects on the other side, to abate the Kings due, and give it to the Parliament; but with Allegiance to the one, and submission to the other (as neer as I can) give unto both their rights.

Having therefore spoken thus much, I cannot but say something of the Kings power, although, as I said before, it is no pleasing subject. See what King James saith: Kings are not onely Gods Lieutenants upon earth, and sit upon Gods Throne, but by God himselfe they are called Gods. If Kings be Gods Lieutenants, they have their power of God, and they that resist the power or Ordinance

divine of God, receive to themselves damnation Rom. 13. But you may see this better explained by King James. Kings are justly called Gods; for that they exercise a manner or resemblance of Divine power upon earth, if you will consider the attributes of God, you shall see how they agree in the person of a King. God hath power to destroy or create, make or unmake at his pleasure, to give life or send death, to judge all, and to be judged or accountable to none, to raise low things, and to make high things low at pleasure, and so God are both soule and body due: The like power have Kings, they make and unmake their Subjects, they have power of raising and casting down, of life and death, Judges over all the Subjects, and in all causes, yet accountable to none but God only. They have power to exalt low things, and abase the high, and make of their Subjects like men at the Chesse, a Pawn to make a Bishop or a Knight, and to cry up or down any of their Subjects as they do their money, and to the King is due both the affections of the Soule, and the service of the body of their Subjects.

But now in these our times, we must distinguish between the state of Kings in their first original, and between the state of settled Kings and Monarchs that govern in civill Kingdomes. In the first original of Kings some had their beginning by Conquest, & some by election of the people: yet so soon as Kingdoms began to be settled in civility & policy, then did they set down their mindes by Laws. (which are properly made by the King only) but at the request of the people, the Kings Grant being obtained thereunto (for of old Le Roy s' aviser was sufficient to dash all the indeavours of the Commons.)

To conclude this point with King James his own words, touching the power of Kings; It is an axiome in Divinity, that to dispute what God may do is blasphemy, but quid vult Deus the divines may lawfully and doe frequently dispute and debate, for to dispute a posse ad esse is both Logicke and divinity, so it is sedition in Subjects to dispute what a King may doe in the height of his power. But just Kings will ever be willing to declare what they will do, and to make and execute good Laws.

Give me leave to proceed a little farther to plough with his Heiter (pardon the expression.) We have more good Lawes than are well executed. (yet our gifts of Parliaments, who are ordained for making of Lawes, and therefore their institution ought not to be abused, in holding them for any mens particulars, for as a Parliament is the honourablest and highest judgement in the land (as being the Kings head Court) if it be well used, which is by making of good Lawes in it: So it is the unjustest judgement. Seate that may be, being abused to mens particulars, irreparable degrees

decrees against particular parties being given therein under countour of generall lawes and otherwise the States not knowing themselves whom they hurt : And therefore no Parliaments ought to be holden but of necessity of new Lawes, which would be but sold in : for few Lawes and well put in execution are best to a well ruled Commonwealth.

Thus have I indeavoured to the utmost extent of my poore power to give you satisfaction in your demands, which I have done in as moderate a manner as I could possibly devise, inso-much that I hope I shall displease none ( if it have the illuck to be seene in publique. ) I would now certifie you of some newes (but not reiterated or frivelous ) only the intricate closenesse in the management of affairs hinders me, for I am altogether amazed and astonished, as not knowing how to understand any thing for it must be another *Oedipus* that will unfold this *Sphynx* ; but I pray God to divert his judgements that hang over our heads, that these clouds may not raine downe on us another shoure of blood. God in mercy looke upon this poore distracted Land and send a happy and speedy union, that all differences may cease, and warre may no more bee heard in our Gates, that all good men will seeke grace and intue it : Let *Achitophels* plot and counsell mischeifs, let *Sanballats* mocke, let *Rabshekas* raile and blaspheme and seducers every day wax worse and worse, yet *magna est veritas & prevalebit* : the wayes of the wicked though for a time they may prosper, yet they shall never be blessed

Sir, being infinitely obliged to you, and honouring you much for your worth and excellent parts, curforily and heartily, I have written this in answer to your demands, not intending thereby to reprove or revile, or derogate from any power, but onely to lay open that all the World may know how far the intrusted power will extend ; and if this give you any satisfaction, I have what I desire, If you doubt of the truth of any thing, I hope I am able to make all here good by faithfull and authenticke Records, or Testimonie of such as are worthy of trust.

I pray you keep it for your own ute only, for I should be loath any but a friend see it, it is so rudly done, but I dare say truly and faithfully. Thus praying earnestly to God for a happy and sweet composure of these miserable distractions and differences, desiring you that at your leysure you would be pleased to let me heare from you, and that you would send me the newes of your parts. I remain.

July 20. 1647.

Your poore friend and obliged Servant.  
FINIS.